



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUL - 1 2012

Honorable Hosanna Mahaley
State Superintendent
Office of the State Superintendent of Education
810 First Street NE, 9th Floor
Washington, DC 20002

Dear Superintendent Mahaley:

We have conditionally approved the District of Columbia's (D.C.) application for Federal Fiscal Year (FFY) 2012 funds under Part C of the Individuals with Disabilities Education Act (IDEA Part C). Our conditional approval is based on our review of the application, submitted by the Office of the State Superintendent of Education (OSSE) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 16, 2012, May 15, 2012 and June 18, 2012.

Our conditional approval of the State's FFY 2012 IDEA Part C grant is also based on the State's policies, procedures, methods, descriptions, assurances, and certifications identified in Section II, which is incorporated by reference to this grant award letter as Enclosure A. Our approval is also based on the District's certification under Section II.D of its FFY 2012 application that DC will:

1. Operate throughout the period of the FFY 2012 grant award consistently with the requirements of the IDEA as found in 20 U.S.C. 1431 through 1443 and the final regulations in 34 CFR Part 303 (as published on September 28, 2011); and
2. Make such changes to existing policies, procedures, methods, and descriptions as are necessary to bring those policies, procedures, methods and descriptions into compliance with the requirements of IDEA Part C, as soon as possible, and not later than the earlier of the date indicated by the State in Section II of its application or June 30, 2013. *See*, 34 CFR §76.104.

The District's FFY 2012 IDEA Part C grant award is being released subject to fiscal Special Conditions regarding the Single Audit Act, which Special Conditions are identified in the enclosed U.S. Department of Education's June 19, 2012 letter to the District of Columbia (which is Enclosure B and incorporated by this reference to this grant letter). These Department-wide Special Conditions regarding the Single Audit Act, are imposed pursuant to the Department's authority in 34 CFR §80.12. By accepting the enclosed grant awards, the District of Columbia agrees to comply with the Special Conditions identified in the Department's enclosed June 19, 2012 letter.

D.C.'s FFY 2011 IDEA Part C grant award was also subject to Special Conditions that required D.C. OSSE to ensure the timely correction of noncompliance as required in IDEA section 635(a)(10) and applicable regulations. Under the FFY 2011 Special Conditions, OSSE was required to provide OSEP with data demonstrating compliance in three progress reports. D.C. provided data demonstrating 100% compliance with the timely correction requirements. Therefore, OSEP has lifted D.C.'s FFY 2011

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Special Conditions regarding timely correction. We appreciate D.C. OSSE's commitment to timely correction of noncompliance as it affects the provision of early intervention services to infants and toddlers with disabilities and their families and look forward to timely correction data demonstrating continued compliance under Indicator 9 of D.C.'s Annual Performance Report due February 1, 2013.

As part of D.C.'s application for FFY 2012, D.C. has made an assurance, under Section II.C.2 of its FFY 2012 application and pursuant to 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect during the FFY 2012 grant period.

Before adopting a new or revised IDEA Part C policy or procedure that is required under Part C of the IDEA or the final regulations in 34 CFR Part 303, D.C. must subject those policies and procedures to the public participation requirements in 34 CFR §303.208 and receive OSEP approval for those policies and procedures referenced in 34 CFR §303.101(c) prior to their implementation.

Enclosed is D.C.'s FFY 2012 grant award for funds currently available under the Consolidated Appropriations Act, 2012 -- P.L. 112-74 for the IDEA Part C program. These funds are available for obligation from July 1, 2012 through September 30, 2014 in accordance with 34 CFR §76.709.

Section IV.B of the FFY 2012 application for Part C funds requested updated information about each State's indirect costs. D.C. indicated in Section IV.B that OSSE is not charging and will not charge indirect costs to its IDEA Part C FFY 2012 grant. By accepting this IDEA Part C FFY 2012 grant, OSSE (as the lead agency designated under Part C) is agreeing not to charge indirect costs to any funds awarded to D.C. under this FFY 2012 Part C grant.

Section 604 of the IDEA provides that "[a] State shall not be immune under the 11th amendment to the Constitution of the United States from suit in Federal court for a violation of this [Act]." Section 606 provides that each recipient of assistance under IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under the IDEA. Therefore, by accepting this grant, D.C. is expressly agreeing as a condition of IDEA funding to a waiver of Eleventh Amendment immunity and to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities in programs assisted under the IDEA.

The enclosed grant award of FFY 2012 funds is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary. These inquiries may be necessary to allow us to appropriately carry out our administrative responsibilities related to IDEA Part C.

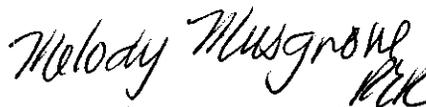
As a reminder, no later than August 31, 2012, all prime recipients of IDEA (Part B or Part C) funds, must report subaward information as required by the Federal Funding Accountability and Transparency Act of 2006 (FFATA), as amended in 2008. FFATA guidance is found at:

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<http://www2.ed.gov/policy/gen/leg/recovery/rms-web-conferences.html>. Please contact D.C.'s Recovery Act Facilitator if you have further questions.

We appreciate your ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families.

Sincerely,

A handwritten signature in cursive script that reads "Melody Musgrove". To the right of the name, there are initials "MM" written in a similar cursive style.

Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosure

Enclosure A
Enclosure B

cc: Amy Maisterra, Assistant Superintendent
Part C Coordinator